

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

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|-------------------------------|---|-------------------|
| JEFFREY L.G. JOHNSON, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | No. 4:12CV896 JAR |
| |) | |
| UNITED STATES, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

This matter is before the Court on plaintiffs’ motions for leave to commence this action without prepayment of the filing fee pursuant to 28 U.S.C. § 1915. Upon consideration of the financial information provided with the motion, the Court finds that plaintiffs are financially unable to pay any portion of the filing fee. As a result, plaintiffs will be granted leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Additionally, the Court has reviewed the complaint and will dismiss it pursuant to 28 U.S.C. § 1915(e)(2)(B).

28 U.S.C. § 1915(e)

Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court must dismiss a complaint filed in forma pauperis if the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief. An action is frivolous if it “lacks an arguable basis in either law or fact.” Neitzke v. Williams, 490 U.S. 319, 328 (1989); Denton v. Hernandez, 504 U.S. 25, 31

(1992). An action is malicious if it is undertaken for the purpose of harassing the named defendants and not for the purpose of vindicating a cognizable right. Spencer v. Rhodes, 656 F. Supp. 458, 461-63 (E.D.N.C. 1987), aff'd 826 F.2d 1059 (4th Cir. 1987). A complaint fails to state a claim if it does not plead “enough facts to state a claim to relief that is plausible on its face.” Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007).

The Complaint

Plaintiffs Jeffrey Johnson and Joseph Johnson¹ bring this action against several government officials, including President Obama, Justices of the United States Supreme Court, Court of Appeals Judges, Judges of this Court, Assistant United States Attorneys, and others. Plaintiffs are angry because this Court dismissed a case filed by Joseph Johnson in 2010 regarding social security benefits. Johnson v. Astrue, 4:10CV497 CAS (E.D. Mo.). Plaintiffs believe that the entire government is conspiring to deny them of their rights. Plaintiff Jeffrey Johnson filed a previous lawsuit in this Court based on his conspiracy theory, which the Court dismissed as delusional. Johnson v. Obama, 4:10CV2303 RWS (E.D. Mo.).

The instant complaint is nothing more than a tirade of nonsensical accusations concerning plaintiffs’ dissatisfaction with the outcome of their previous cases. Such

¹Jasmine Johnson is also a named plaintiff. She has not filed a motion to proceed in forma pauperis, and she did not sign the complaint.

dissatisfaction appears to derive from plaintiffs' fundamental misunderstanding of the laws of the United States.

Discussion

The Court finds that the main purpose of the instant lawsuit is not to rectify any cognizable harm, but only to harass and disparage the judges and lawyers who had anything to do with plaintiffs' previous litigation, and others who had nothing to do with the litigation. As a result, The Court finds that this action is malicious, and the Court will dismiss it under 28 U.S.C. § 1915(e). Because this action is malicious, the dismissal will be with prejudice.


Accordingly,

IT IS HEREBY ORDERED that plaintiffs' motions to proceed in forma pauperis [Docs. 2, 4] are **GRANTED**. All other motions are moot.

IT IS FURTHER ORDERED that the Clerk shall not issue process or cause process to issue upon the complaint because the complaint malicious.

An Order of Dismissal shall accompany this Memorandum and Order.

Dated this 23rd day of May, 2012.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE